

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORDIUS TRUST, :
 :
 Plaintiff, :

-v- :
 :

ELIZABETH KUMMERFELD, KUMMERFELD :
 ASSOCIATES, INC., :
 Defendants.:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10-29-09

99 Civ. 3200 (DLC)

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ORDER

CORDIUS TRUST, :
 :
 Petitioner, :

-v- :
 :

DONALD KUMMERFELD, :
 Respondent.:

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DENISE COTE, District Judge:

By a letter dated October 29, 2009, counsel for defendant Ms. Kummerfeld requests: (1) an adjournment of the November 4 hearing concerning the mortgage given by Mr. and Ms. Kummerfeld to Mr. Brinitzer on the Cape Cod property (the "Brinitzer mortgage"); (2) an adjournment of the October 30 briefing deadline concerning whether the Brinitzer mortgage constitutes a fraudulent conveyance; and (3) five additional business days for Ms. Kummerfeld to sign and return the quit-claim deed and withdrawal of Declaration of Homestead (the "documents") pursuant to the Court's October 23 Order. In a separate letter dated October 29, 2009, counsel for Cordius Trust agrees to the

request for submission of post-hearing briefs concerning the Brinitzer mortgage, but does not agree to the request for an adjournment of the November 4 hearing. Counsel for Cordius Trust also agrees to the request to permit Ms. Kummerfeld five business days to sign the documents after her counsel has received the documents. Cordius Trust's letter indicates that Ms. Kummerfeld's counsel is now in receipt of the documents. It is hereby

ORDERED that Ms. Kummerfeld's request for an adjournment of the November 4 hearing concerning the Brinitzer mortgage is denied. The hearing shall occur on November 4 as previously ordered.

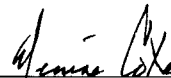
IT IS FURTHER ORDERED that Ms. Kummerfeld shall execute and return to counsel for Cordius Trust the quit-claim deed and withdrawal of Declaration of Homestead by November 3. If she fails to do so, she must appear at the November 4 hearing to show cause why she should not be incarcerated until she executes said documents.

IT IS FURTHER ORDERED that any party wishing to submit a brief concerning whether the Brinitzer mortgage constitutes a fraudulent conveyance shall do so by November 2. If a party files a brief, the party shall deliver two courtesy copies to Chambers by delivering them to the United States Courthouse, 500 Pearl Street, New York, New York no later than 5:00pm on

November 2. The Court shall consider the request for post-hearing briefing on the fraudulent conveyance issue at the November 4 hearing.

SO ORDERED:

Dated: New York, New York
October 29, 2009



DENISE COTE
United States District Judge

COPIES SENT TO:

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